

Notice of Allowability

Application No.

10/583,908

Examiner

Hung Lam

Applicant(s)

MARTINEZ ET AL.

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/09/2007.
2. ☒ The allowed claim(s) is/are 39-78.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____

7. ☐ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____


BRIAN HEALY
PRIMARY PATENT EXAMINER

DETAILED ACTION

Status of the Application

New claims 77 and 78 have been added.

Claims 39-78 are allowed.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The prior art does not show or fairly suggest the claimed invention of an optical deflection matrix having the claimed structure and claimed limitations, wherein a rejection under 35 USC 102 or 103 would be improper.

Jensen (US. Pat. 6,735,357) and **Chang** (US. Pat. 6,776,492) further in view of **Chen et al.** (US. Pub. 2003/0133204) are the most relevant prior arts of record.

Jensen discloses a feedback control system for all optical cross connect having at least two deflection modules comprising an coming light beam into input port 11b having a given direction of propagation an outgoing light beam at output port 12b having a direction of propagation taken in a first set of potential direction 19a (col. 4 lines 15-28, and Fig. 1); each optical deflection module comprises a same single deflection element 18 of the incoming light beam having two return elements or the mirrors 14a and 15b on the either side of the defection element 18, a principal direction being collinear with the given direction of propagation of the incoming light beam from port 11 or of the outgoing light beam from port 12, the principal direction of the optical deflection modules being located in a same plane (col. 3 lines 58-64, col.

5 lines 8-12, and Fig. 1). However, **Jensen** fails to disclose that the two reflected return elements 14b and 15b, are two fixed return elements; and the single deflection element is configured to assume plurality potential position that are in relation to the potential directions.

Chang teaches a multiple reflective mirrors module comprising a deflection element 224 with two return element 230 and 226 on either side, is configured to assume plurality potential position that are in relation to the main/principle direction 236 in the potential directions (col. 4 lines 35-45, and Fig. 2).

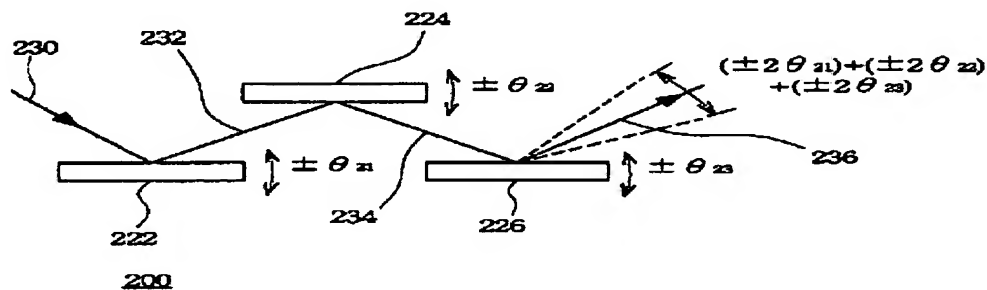


Fig. 2

Reproduced from US. Pat. 6,776,492.

Chen et al. teach a derotation mirror system having two fixed surface-reflecting mirrors 204 and 208 with predetermined angle for potential propagation direction on the either side of the surface-reflecting mirror 206, wherein the incoming light beam 202 is colinear with the outgoing light beam 210 ([0039], and Fig. 4).

Regarding **claim 39**, **Jensen** in view of **Chen et al.** and **Chang** in combination, however, still fail to teach a “at least two optical deflection modules” and “each optical deflection module comprise an own single deflection element” with “the principal direction being colinear with the given direction of propagation of the incoming light beam or of the outgoing light beam”. The modules each include a single deflection element of the incoming beam capable of assuming

plural potential positions in relation to the potential directions of the set and two fixed return elements, on either side of the deflection element.

Therefore in light of the Applicant's amendment, claim 39 is allowable as distinguishes over the prior art of record because of the reason stated above. It is this examiner's position that prior art taken alone, fails to disclose or render obvious in combination with the rest of the limitations of claim 39.

Claims 40-78 are allowable as dependent claims of claim 39.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Lam whose telephone number is 571-272-9790. The examiner can normally be reached on M - F 07:30 AM - 05:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

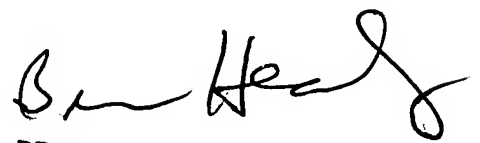
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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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